

REMARKS

On Friday, January 21, after seeing the office action dated January 20, 2011 on PAIR, the undersigned called Examiner Alton Pryor to discuss it. Examiner Pryor referred the undersigned to Bennett Celsa, to discuss the substance of the office action. Later, on January 21, the undersigned spoke with Mr. Celsa and he asked the undersigned to include a summary of our discussion in the next filed communication, which is set forth herein.

Mr. Celsa was asked to describe an acceptable procedure for overcoming the finding that the amendment filed August 22, 2008 was improper. Mr. Celsa stated that the submission of an amendment correctly presenting the three claims mentioned in the office action, without the noted errors, would satisfy this requirement of the office action. That amendment is attached and is believed to overcome this requirement.

With respect to the second objection regarding the purported missing documents, Mr. Celsa agreed that the executed Supplemental Reissue Declaration, filed January 7, 2005, is sufficient to satisfy the consent by assignee requirement and therefore, the objection for lacking an assignee consent will be withdrawn in the next communication from the PTO. The undersigned also pointed out that a separate consent by an assignee, who is the applicant of the reissue application, is not required under 37 CFR 1.172 (a)

Next, the issue of the "missing" statement under 37 CFR 1.373 (b) was discussed. The undersigned directed Mr. Celsa to the Statement Under 37 CFR 1.373 that was filed in the application on August 22, 2008. Mr. Celsa agreed that said document satisfies the requirement and that the objection for

lacking such a statement would be withdrawn in the next PTO communication.

The office action of January 20, 2011, allowed claims 1-8, 10-17 and 20-38 and applicant respectfully requests that a Notice of Allowance be mailed as soon as possible.

If, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 as soon as possible in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated January 26, 2011:

Respectfully submitted,
Electronic signature:
/Arnold I. Rady/
Arnold I. Rady
Registration No.: 26,601
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant